

PATENT
Serial No.: 10/625,402
Docket No. 33565.2
Customer No. 000027683

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. Claims 1, 8, 9, 19, 25, 26, 37, 39 and 40 have been amended. Claims 1-58 are pending. Antecedent basis for the amendments is located throughout Applicant's specification, as for example in the description at page 25, lines 22-26. Accordingly, no new matter has been entered.

Rejection of the claims

The Office Action rejected claims 19 and 37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,747,859 ("Walbeck").

As amended, claim 19 recites:

19. A network device, comprising:
a housing;

circuity within the housing for operating as a router to direct a communication of information between any of first and second communication devices via at least a wireless medium, wherein the circuity includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, and a power connection for connecting the circuity to an alternating current power source;

a group of electrical prongs, mounted to the housing, for insertion into at least one primary receptacle of the alternating current power source, and for mechanically supporting at least a portion of the housing's weight when the group of electrical prongs is so inserted, wherein at least a portion of the group of electrical prongs is connected to the power connection for connecting the circuity to the alternating current power source via the power connection and the group of electrical prongs when the group of electrical prongs is so inserted; and

an extension receptacle, mounted to the housing and connected to the group of electrical prongs, into which a plug of an extension device is insertable, for connecting the extension device to the alternating current power source via the plug and the group of electrical prongs when the plug and the group of electrical prongs are so inserted.

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As amended, claim 37 recites:

37. A network device, comprising:
 a housing;

circuitry within the housing for operating as a router to direct a communication of information between any of first and second communication devices via at least a wireless medium, wherein the circuitry includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, and a power connection for connecting the circuitry to an alternating current power source; and

a group of electrical prongs, mounted to the housing, for insertion into at least one receptacle of the alternating current power source, and for mechanically supporting at least a portion of the housing's weight when the group of electrical prongs is so inserted, wherein at least a portion of the group of electrical prongs is connected to the power connection for connecting the circuitry to the alternating current power source via the power connection and the group of electrical prongs when the group of electrical prongs is so inserted.

In MPEP § 2131, the PTO provides that:

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, to sustain a rejection of amended claim 19, Walbeck must contain all of the above-recited elements in amended claim 19. However, Walbeck fails to teach the combination of elements in amended claim 19. For example, Walbeck fails to teach the element in amended claim 19 of "circuitry within the housing for operating as a router to direct a communication of information between any of first and second communication devices via at least a wireless medium, wherein the circuitry includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, and a power connection for connecting the circuitry to an alternating current power source." Accordingly, Walbeck does not support a rejection of amended claim 19 under 35 U.S.C. § 102(e).

Also, Walbeck fails to teach the combination of elements in amended claim 37. For example, Walbeck fails to teach the element in amended claim 37 of "circuitry within the housing for operating as a router to direct a communication of information between any of first and second communication devices via at least a wireless medium, wherein the circuitry includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, and a power connection for

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connecting the circuitry to an alternating current power source." Accordingly, Walbeck does not support a rejection of amended claim 37 under 35 U.S.C. § 102(e).

The Office Action rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Walbeck in view of Applicant's Admitted Prior Art ("AAPA").

As amended, claim 1 recites:

1. A network device, comprising:
a housing;

circuitry within the housing for operating as a router to direct a communication of information between any of first, second and third communication devices via at least a wireless medium, wherein the circuitry includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, a third connection for connecting to the third communication device, and a power connection for connecting the circuitry to an alternating current power source, and wherein the first, second and third communication devices are external to the housing;

a group of electrical prongs, mounted to the housing, for insertion into at least one primary receptacle of the alternating current power source, and for mechanically supporting at least a portion of the housing's weight when the group of electrical prongs is so inserted, wherein at least a portion of the group of electrical prongs is connected to the power connection for connecting the circuitry to the alternating current power source via the power connection and the group of electrical prongs when the group of electrical prongs is so inserted;

a first extension receptacle, mounted to the housing and connected to the group of electrical prongs, into which a first plug of a first extension device is insertable, for connecting the first extension device to the alternating current power source via the first plug and the group of electrical prongs when the first plug and the group of electrical prongs are so inserted; and

a second extension receptacle, mounted to the housing and connected to the group of electrical prongs, into which a second plug of a second extension device is insertable, for connecting the second extension device to the alternating current power source via the second plug and the group of electrical prongs when the second plug and the group of electrical prongs are so inserted.

MPEP § 2142 states, "...The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness..." Also, MPEP § 2142 states: "...the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and

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just before it was made...The examiner must put aside knowledge of the applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole.'" Moreover, MPEP § 2143.01 states: "The mere fact that references can be combined or modified does *not* render the resultant combination obvious unless the prior art also suggests the desirability of the combination."

In relation to amended claim 1, Walbeck and AAPA are defective in establishing a *prima facie* case of obviousness. As between Walbeck, AAPA, and Applicant's specification, only Applicant's specification teaches the combination of elements in amended claim 1. For example, Walbeck and AAPA fail to teach the element in amended claim 1 of "circuitry within the housing for operating as a router to direct a communication of information between any of first, second and third communication devices via at least a wireless medium, wherein the circuitry includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, a third connection for connecting to the third communication device, and a power connection for connecting the circuitry to an alternating current power source, and wherein the first, second and third communication devices are external to the housing."

Also, in relation to amended claim 19, Walbeck and AAPA are defective in establishing a *prima facie* case of obviousness. As between Walbeck, AAPA, and Applicant's specification, only Applicant's specification teaches the combination of elements in amended claim 19. For example, Walbeck and AAPA fail to teach the element in amended claim 19 of "circuitry within the housing for operating as a router to direct a communication of information between any of first and second communication devices via at least a wireless medium, wherein the circuitry includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, and a power connection for connecting the circuitry to an alternating current power source."

Moreover, in relation to amended claim 37, Walbeck and AAPA are defective in establishing a *prima facie* case of obviousness. As between Walbeck, AAPA, and Applicant's specification, only Applicant's specification teaches the combination of elements in amended claim 37. For example, Walbeck and AAPA fail to teach the element in

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amended claim 37 of "circuitry within the housing for operating as a router to direct a communication of information between any of first and second communication devices via at least a wireless medium, wherein the circuitry includes a first connection for connecting to the first communication device, a second connection for connecting to the second communication device, and a power connection for connecting the circuitry to an alternating current power source."

Thus, the motivation for advantageously combining the claimed elements would arise solely from hindsight based on Applicant's teachings in its own specification. Accordingly, the PTO has not met its burden of factually supporting a *prima facie* conclusion of obviousness in this case, and Applicant has no obligation to submit evidence of nonobviousness.

Conclusion

For these reasons, and for other reasons clearly apparent, Applicant respectfully requests allowance of claims 1, 19 and 37.

Dependent claims 2-18 depend from and further limit claim 1 and therefore are allowable.

Dependent claims 20-36 depend from and further limit claim 19 and therefore are allowable.

Dependent claims 38-58 depend from and further limit claim 37 and therefore are allowable.

An early formal notice of allowance of claims 1-58 is requested.

No additional fee is believed due. Nevertheless, to the extent that this Response to Office Action results in additional fees, the Commissioner is authorized to charge deposit account no. 08-1394.

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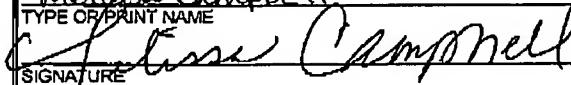
Applicant has made an earnest attempt to place this case in condition for allowance. If any unresolved aspect remains, the Examiner is invited to call Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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